

**ASSEMBLY BILL**

**No. 1721**

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**Introduced by Assembly Member Pavley**

February 22, 2005

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An act to amend Section 60041 of the Education Code, to amend Sections 71301, 72302, 71303, 71304, and 71305 of the Public Resources Code, and to add Section 13383.6 to the Water Code, relating to environmental education, and declaring the urgency thereof, to take effect immediately.

LEGISLATIVE COUNSEL'S DIGEST

AB 1721, as introduced, Pavley. Environmental education.

(1) Existing law establishes the Office of Education and the Environment within the California Integrated Waste Management Board, and requires the office to develop and implement a unified education strategy on the environment for elementary and secondary schools. Existing law requires school district governing boards, when adopting instructional materials for use in schools, to include only materials that accurately portray the educational principles for the environment.

This bill would repeal that instructional materials requirement.

(2) Existing law requires the Instructional Materials Advisory Panel, before adopting criteria for textbook adoption, to consult with the office to incorporate, where feasible, education principles for the environment. Existing law requires the education principles for the environment to be incorporated in criteria developed for textbook adoption.

This bill would repeal that consultation requirement and would instead provide that if the State Board of Education determines that the education principles for the environment are not appropriate for

inclusion in the textbook adoption criteria, the board would be required to collaborate with the office to make the changes necessary to ensure that the principles are included in the textbook adoption criteria.

(3) Existing law requires the State Department of Education to incorporate materials developed by the office that provide information on the education principles for the environment into publications that provide examples of curriculum resources for teacher use.

This bill would provide that if the Superintendent of Public Instruction determines that materials developed by the office that provide this information are not appropriate for inclusion in publications that provide examples of curriculum resources for teacher use, the Superintendent of Public Instruction would be required to collaborate with the office as specified.

(4) Existing law requires that materials produced and distributed in the public schools be aligned to the educational principles for the environment that are incorporated into the content standards.

This bill would repeal that requirement.

(5) Existing law establishes the Environmental Education Account and authorizes the deposit of funds from prescribed sources for expenditure for purposes of developing and implementing the unified education strategy, upon appropriation by the Legislature.

This bill would allow a state agency that requires the development of, or encourages the promotion of, environmental education for elementary and secondary school pupils, to contribute to the account.

This bill would provide that if the a California regional water quality control board or the State Water Resources Control Board issues a specified permit that requires elementary and secondary public schools to be provided with educational materials on stormwater pollution, the permittee would be allowed to contribute an equivalent amount of funds to the account.

(6) This bill would declare that it is to take effect immediately as an urgency statute.

Vote:  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 60041 of the Education Code is  
2 amended to read:

1 60041. When adopting instructional materials for use in the  
2 schools, governing boards shall include only instructional  
3 materials ~~which that~~ accurately ~~portray~~ *portray both of the*  
4 *following*, whenever appropriate:

5 (a) ~~The education principles for the environment as set forth in~~  
6 ~~subdivision (b) of Section 71300 of the Public Resources Code.~~

7 ~~(b) Humanity's place in ecological systems and the necessity~~  
8 ~~for the protection of our environment.~~

9 ~~(c)~~

10 (b) The effects on the human system of the use of tobacco,  
11 alcohol, *and* narcotics and restricted dangerous drugs, as defined  
12 in Section 11032 of the Health and Safety Code, and other  
13 dangerous substances.

14 SEC. 2. Section 71301 of the Public Resources Code is  
15 amended to read:

16 71301. (a) As part of the unified education strategy, the  
17 office, under the direction of the Secretary for Environmental  
18 Protection and the board, in cooperation with the Resources  
19 Agency, the State Department of Education, the State Board of  
20 Education, and the Secretary for Education, shall develop  
21 education principles for the environment for elementary and  
22 secondary school pupils ~~by July 1, 2004~~. The principles may be  
23 updated every four years thereafter. The principles shall be  
24 aligned to the academic content standards adopted by the State  
25 Board of Education pursuant to Section 60605 of the Education  
26 Code. The principles shall be used to do all of the following:

27 (1) To direct state agencies that include environmental  
28 education components for elementary and secondary education in  
29 regulatory decisions or enforcement actions.

30 (2) To align state agency environmental education programs  
31 and materials that are developed for elementary and secondary  
32 education.

33 (b) The education principles for the environment shall include,  
34 but not be limited to, concepts relating to the following topics:

35 (1) Environmental sustainability.

36 (2) Water.

37 (3) Air.

38 (4) Energy.

39 (5) Forestry.

40 (6) Fish and wildlife resources.

- 1 (7) Oceans.
- 2 (8) Toxics and hazardous waste.
- 3 (9) Integrated waste management.
- 4 (10) Integrated pest management.
- 5 (11) Public health and the environment.
- 6 (12) Pollution prevention.
- 7 (13) Resource conservation and recycling.
- 8 (14) Environmental justice.

9 (c) The principles shall be aligned to the applicable academic  
10 content standards adopted by the State Board of Education and  
11 shall not duplicate or conflict with any academic content  
12 standards.

13 ~~(d) (1) Prior to the adoption of the criteria developed for~~  
14 ~~textbook adoption required pursuant to Section 60200 or 60410~~  
15 ~~of the Education Code for Science, the Instructional Materials~~  
16 ~~Advisory Panel shall consult with the office to incorporate,~~  
17 ~~where feasible, education principles for the environment.~~

18 ~~(2)~~ The education principles for the environment shall be  
19 incorporated, *as the State Board of Education determines to be*  
20 *appropriate*, in criteria developed for textbook adoption required  
21 pursuant to Section 60200 or ~~60410~~ 60400 of the Education Code  
22 in Science, Mathematics, English/Language Arts, and  
23 History/Social Sciences.

24 *(2) If the State Board of Education determines that the*  
25 *education principles for the environment are not appropriate for*  
26 *inclusion in the textbook adoption criteria cited in paragraph (1),*  
27 *the State Board of Education shall collaborate with the office to*  
28 *make the changes necessary to ensure that the principles are*  
29 *included in the textbook adoption criteria in Science,*  
30 *Mathematics, English/Language Arts, and History/Social*  
31 *Sciences.*

32 (e) If the content standards required pursuant to Section 60605  
33 of the Education Code are revised, the education principles for  
34 the environment shall be appropriately considered for inclusion  
35 into part of the revised academic content standards.

36 SEC. 3. Section 71302 of the Public Resources Code is  
37 amended to read:

38 71302. (a) Using the education principles for the environment  
39 required in Section 71301, the office, under the direction of the  
40 Secretary for Environmental Protection and the board, shall

1 develop, in cooperation with the California Environmental  
2 Protection Agency, the Resources Agency, the State Department  
3 of Education and the State Board of Education, a model  
4 environmental curriculum that incorporates these education  
5 principles for the environment. The model curriculum shall be  
6 aligned with applicable State Board of Education adopted  
7 academic content standards in Science, Mathematics,  
8 English/Language Arts, and History/Social Sciences, to the  
9 extent that any of those content areas are addressed in the model  
10 curriculum.

11 (b) The model curriculum shall be submitted to the  
12 Curriculum Development and ~~Supplementary~~ *Supplemental*  
13 Materials Commission for review. The commission shall submit  
14 its recommendation to the Secretary for Environmental  
15 Protection and to the Secretary of the Resources Agency by July  
16 1, 2005.

17 (1) The Secretary for Environmental Protection and the  
18 Secretary of the Resources Agency shall review and comment on  
19 the model curriculum by January 1, 2006.

20 (2) The model curriculum along with the comments by the  
21 Secretary for Environmental Protection and the Secretary of the  
22 Resources Agency shall be submitted to the State Board of  
23 Education for its approval.

24 SEC. 4. Section 71303 of the Public Resources Code is  
25 amended to read:

26 71303. (a) ~~The~~ *As determined appropriate by the*  
27 *Superintendent of Public Instruction, the State Department of*  
28 Education shall incorporate into publications that provide  
29 examples of curriculum resources for teacher use, those materials  
30 developed by the office that provide information on the education  
31 principles for the environment required in Section 71300.

32 (b) *If the Superintendent of Public Instruction determines that*  
33 *materials developed by the office that provide information on the*  
34 *education principles for the environment are not appropriate for*  
35 *inclusion in publications that provide examples of curriculum*  
36 *resources for teacher use, the Superintendent of Public*  
37 *Instruction shall collaborate with the office to make the changes*  
38 *necessary to ensure that the materials are included in that*  
39 *information.*

1 (c) The model environmental curriculum approved by the  
2 State Board of Education, pursuant to Section 71302 shall be  
3 made available by the office to elementary and secondary schools  
4 to the extent that funds are available for this purpose. The State  
5 Department of Education shall make the model curriculum  
6 available electronically including posting on its Web site.

7 ~~(e)~~

8 (d) The State Department of Education, to the extent feasible  
9 and to the extent that funds are available for this purpose, shall  
10 encourage the development and use of instructional materials and  
11 active pupil participation in campus and community  
12 environmental education programs. To the extent feasible, the  
13 environmental education programs should be considered in the  
14 development and promotion of after school programs for  
15 elementary and secondary school pupils and state and local  
16 professional development activities to provide teachers with  
17 content background and resources to assist in teaching about the  
18 environment.

19 ~~(d)~~

20 (e) (1) The board shall assume costs associated with the  
21 printing of the approved model curriculum as set forth in  
22 subdivision ~~(b)~~ (c). The board shall use, for these purposes, funds  
23 that are available for its administrative costs.

24 (2) From funds available for its administrative costs, the State  
25 Department of Education shall post and maintain the model  
26 curriculum on its Internet site and pay any costs associated with  
27 any related online questionnaire on its Internet site as set forth in  
28 subdivision ~~(b)~~ (c).

29 (3) The State Department of Education shall explore  
30 implementation of this section from its baseline resources  
31 dedicated to this purpose and if funding is not available from that  
32 source, then funding may be provided to the department,  
33 pursuant to appropriation by the Legislature, under Section  
34 71305.

35 SEC. 5. Section 71304 of the Public Resources Code is  
36 amended to read:

37 71304. (a) The office, under the direction of the Secretary for  
38 Environmental Protection, shall be responsible for the statewide  
39 coordination of regulatory administrative decisions that require

1 the development or encourage the promotion of environmental  
2 education for elementary and secondary school pupils.

3 (b) All California Environmental Protection Agency or  
4 Resources Agency boards, departments, or offices that take  
5 regulatory actions or take enforcement actions requiring the  
6 development of or encouraging the promotion of environmental  
7 education for elementary and secondary school pupils shall, prior  
8 to adoption or approval of the action, seek comments on the  
9 action from the office in order to promote consistency with this  
10 part and cross-media coordination.

11 (c) The office shall coordinate with all state agencies to  
12 develop and distribute environmental education materials.

13 ~~(d) After the educational principles for the environment are~~  
14 ~~incorporated into the content standards, materials produced and~~  
15 ~~distributed in the public schools shall be aligned to those content~~  
16 ~~standards, as applicable, revised pursuant to Chapter 1~~  
17 ~~(commencing with Section 60000) of Part 33, of the Education~~  
18 ~~Code, and adopted by the State Board of Education.~~

19 SEC. 6. Section 71305 of the Public Resources Code is  
20 amended to read:

21 71305. (a) The Environmental Education Account is hereby  
22 established within the State Treasury. Moneys in the account  
23 may, upon appropriation by the Legislature, be expended by the  
24 California Environmental Protection Agency, in consultation  
25 with the board, for the purposes of this part. The board shall  
26 provide recommendations to the Secretary for Environmental  
27 Protection regarding expenditures from the account. The  
28 Secretary for Environmental Protection shall administer this part,  
29 including, but not limited to, the account.

30 (b) Notwithstanding any other provision of law to the contrary,  
31 the agency may accept and receive federal, state, and local funds  
32 and contributions of funds from a public or private organization  
33 or individual. The account may also receive proceeds from a  
34 judgment in state or federal court, when the funds are contributed  
35 or the judgment specifies that the proceeds are to be used for the  
36 purposes of this part. The account may receive those funds,  
37 contributions, or proceeds from judgments, that are specifically  
38 designated for use for environmental education purposes. Private  
39 contributors shall not have the authority to further influence or  
40 direct the use of their contributions.

1 (c) *Notwithstanding, any other provision of law, a state*  
2 *agency that requires the development of, or encourages the*  
3 *promotion of, environmental education for elementary and*  
4 *secondary school pupils, may contribute to the account.*

5 (d) The agency shall immediately deposit any funds  
6 contributed pursuant to subdivision (b) into the account.

7 SEC. 7. Section 13383.6 is added to the Water Code, to read:

8 13383.6. If a regional board or the state board issues a  
9 municipal stormwater permit pursuant to Section 402(p) of the  
10 Clean Water Act (33 U.S.C. Sec. 1342(p)) that includes a  
11 requirement to provide elementary and secondary public schools  
12 with educational materials on stormwater pollution, the permittee  
13 may satisfy the requirement, upon approval by the regional board  
14 or state board, by contributing an equivalent amount of funds to  
15 the Environmental Education Account established pursuant to  
16 subdivision (a) of Section 71305 of the Public Resources Code.

17 SEC. 8. This act is an urgency statute necessary for the  
18 immediate preservation of the public peace, health, or safety  
19 within the meaning of Article IV of the Constitution and shall go  
20 into immediate effect. The facts constituting the necessity are:

21 In order to clarify environmental education requirements,  
22 thereby helping to protect the environment, it is necessary that  
23 this act take effect immediately.